

PLANNING COMMISSION MEETING MINUTES

On this the 20th day of January 2016, the Planning Commission of the City of Rosenberg, Fort Bend County, Texas, met in a regular meeting at the Rosenberg City Hall Council Chamber, 2110 4th Street, Rosenberg, Texas 77471.

COMMISSIONERS PRESENT

Lester Phipps, Jr.	Planning Commission Vice Chairperson
Wayne Poldrack	Planning Commission Secretary
Sergio Villagomez	Planning Commissioner
Charlotte Davis	Planning Commissioner
Steven Monk	Planning Commissioner

NOT PRESENT

James Urbish	Planning Commission Chairperson
--------------	---------------------------------

STAFF PRESENT

Susan Euton	Councilor, District No. 2
Charles Kalkomey	City Engineer
Travis Tanner	Executive Director of Community Development
Janet Eder	Senior Administrative Specialist

OTHERS PRESENT

Matthew J. Vrugink	Ojala Partners, LP (Summer Park Planned Multi-Family Development)
Marissa Shasteen	1421 5 th Street, Rosenberg, Texas (Variance Request)
Michael A. Malcolm-Hicks	Miller & Associates (Greenwood Commercial Replat)
George Villareal	Villa Construction (Jones Meadow Replat)

CALL TO ORDER

Vice Chairperson Phipps called the meeting to order at 5:00 p.m.

AGENDA

1. CONSIDERATION OF AND ACTION ON MINUTES OF THE REGULAR PLANNING COMMISSION MEETING OF DECEMBER 16, 2015.

Action Taken: Commissioner Villagomez moved, seconded by Commissioner Davis to approve the minutes of the Regular Planning Commission Meeting of December 16, 2015 as presented. The motion carried unanimously by those present.

2. HOLD PUBLIC HEARING ON FINAL PLAT OF JONES MEADOW REPLAT, A SUBDIVISION OF A 0.752 ACRE TRACT BEING A REPLAT OF JONES MEADOW SUBDIVISION RECORDED IN FILM CODE NO. 20050149, F.B.C.M.R. IN THE JAMES LOWERY 1/3 LEAGUE, ABSTRACT NO. 275, CITY OF ROSENBERG, FORT BEND COUNTY; TEXAS; 3 LOTS, 1 BLOCK AND NO RESERVES.

Executive Summary: The purpose of this Agenda item is to hold a public hearing on the Final Plat of Jones Meadow Replat. The Plat consists of 0.752 acres and 3 lots, 1 block and no reserves located at the northwest corner of Airport Avenue and Jones Street, within the City Limits.

The subject property was originally platted as Jones Meadow in 2005 (attached for review). The proposed replat would change the number of lots from four (4) to three (3) for the development of duplexes.

Because this is a replat of a previous subdivision, a public hearing is required per state law and per the City's "Subdivision" Ordinance. Additionally, notice of the hearing was published in the newspaper and sent to the property owner before the 15th day before the date of this hearing per state law. Staff recommends holding the hearing prior to the Planning Commission taking action on the plat in a subsequent Agenda item.

Key Discussion

- Mr. Tanner presented the item and reviewed the Executive Summary.

Vice Chairperson Phipps opened the public hearing at 5:00 p.m. After three calls for speakers, no one came forward. Vice Chairperson Phipps closed the public hearing at 5:01 p.m.

3. CONSIDERATION OF AND ACTION ON A VARIANCE REQUEST FOR A RESIDENTIAL ADDITION LOCATED AT 1421 5TH STREET (TINKER ADDITION, BLOCK 26, LOT 6).

Executive Summary: A Variance Request has been submitted for a proposed residential addition at 1421 5th Street. An aerial map of the property, application materials, and photos are attached for review. The property is located at the northeast corner of 5th Street and Avenue M.

The subdivision in which the subject property is located was platted in 1908. It does not appear to have any platted building lines or setbacks. The current "Subdivision" Ordinance (Code of Ordinances, Ch. 25, Sec. 25-68), however, requires a 15' side building line on corner single-family residential lots that side upon minor streets. This requirement appears to have been in place since 2005 and, to staff's knowledge, has been enforced consistently since that time.

In this case, the applicant has proposed to build an addition over the required setback of fifteen feet (15') from the Avenue M right-of-way. The existing building already encroaches into the required setback due to being constructed in 1920 (per Fort Bend Central Appraisal District records), but the addition would increase the extent to which it encroaches in the setback.

Variances must be evaluated by the Planning Commission based on the four (4) criteria outlined in the Code (Sec. 25-8). Following is staff's analysis of each of the criteria:

(1) There are special circumstances or conditions affecting the land involved such that the strict application of the provisions of this chapter would deprive the applicant of the reasonable use of his land;

Staff cannot identify any special circumstances or conditions affecting the land involved as it relates to the specific proposed addition and variance. The existing subdivision and house pre-date current City ordinances, so their nonconformity should be allowed to stand. However, the addition/variance would increase the nonconformity.

(2) The granting of the variance will not be detrimental to the public safety or welfare, or injurious to other property in the area;

Staff cannot identify any safety concerns or specific negative impacts associated with this request, other than potentially setting a precedent for future building lines.

(3) The granting of the variance will not have the effect of preventing the orderly subdivision of other lands in the area in accordance with the provisions of this chapter; and

The granting of the variance should not prevent orderly subdivisions in the area. New subdivisions are viewed differently from older subdivisions with lesser or nonexistent building lines in that they are required to have building lines in accordance with current City codes.

(4) A more appropriate design solution exists which is not currently allowed in this chapter.

It is possible that a more appropriate design solution exists, such as placing an addition in an area not currently affected by the required setbacks; however there is a small number of similar expansions in this subdivision.

Staff recommends that Planning Commission review the request, determine if it conforms to the criteria for a variance, and make a recommendation to City Council.

Key Discussion:

- Mr. Tanner presented the item and reviewed the Executive Summary.
- Mrs. Marissa Shasteen, 1421 5th Street, Rosenberg, Texas, presented her Variance Request for a proposed residential addition at 1421 5th Street.
- Mrs. Shasteen stated that her home was built in 1898. The reason for submitting the Variance Request was to build an addition to the existing home to be used as walk-in closet. The addition would also help eliminate the noise from traffic in the area. Mrs. Shasteen explained that her husband suffers from Alzheimer's and the addition would benefit his well-being. The proposed addition would be built inside

- the fence and it would include a hip roof designed to match the existing home.
- Mrs. Shasteen stated that the existing encroachments were prior to her ownership.
- Vice Chairperson Phipps inquired if the addition was going to be strictly a closet.
- Mrs. Shasteen replied that the addition was.
- Vice Chairperson Phipps inquired if the closet could have been added to the rear of the home instead.
- Mrs. Shasteen replied that a bathroom is located at the rear of the home, and adding a closet off this area of the home would be more difficult and more expensive due to the location of the plumbing.
- Mr. Tanner stated that there is a five (5) foot setback from the structure, and this addition would extend it to approximately seven (7) feet further than the existing five (5) foot encroachment. The addition, however, would not extend into the right-of-way. Approximately three to five feet will remain from the property line.
- Councilor Euton inquired if the garage was on the property line.
- Mr. Tanner replied that it was, or it was very close to the property line.
- Commissioner Poldrack inquired about the number of windows that would be covered.
- Mrs. Shasteen replied that only one (1) window would be covered.
- Commissioner Poldrack inquired about the type of construction materials to be used, the roof line and the dormer.
- Mrs. Shasteen explained that the addition would match as closely as possible to the existing style of the home.
- Commissioner Poldrack inquired about the space in-between the curb and the sidewalk.
- Mr. Tanner replied that there was an eighty (80') right-of-way.
- Commissioner Villagomez complimented Mrs. Shasteen on her proposed improvements.
- Commissioner Poldrack complimented Mrs. Shasteen on recognizing the rules and regulations set forth by the City.
- Mr. Tanner stated that the City has been working with a consultant on obtaining a more relaxed setback standard in regard to older subdivisions in the City. There has been some discussion about obtaining administrative approval for a setback deviation in older parts of town with existing nonconformities, as opposed to going through the variance application process.

Action taken: Commissioner Villagomez moved, seconded by Commissioner Poldrack to recommend approval to City Council of the Variance Request for a residential addition located at 1421 5th Street (Tinker Addition, Block 26, and Lot 6). The motion carried unanimously by those present.

4. CONSIDERATION OF AND ACTION ON A FINAL PLAT OF GREENWOOD COMMERCIAL SUBDIVISION SECTION THREE REPLAT NO. 1, A SUBDIVISION OF 6.986 ACRES OF LAND BEING A PARTIAL REPLAT OF RESERVE "A" OF GREENWOOD COMMERCIAL SUBDIVISION SECTION THREE, AS RECORDED IN SLIDE NO. 2469A OF THE PLAT RECORDS OF FORT BEND COUNTY, TEXAS, BEING IN THE JAMES LOWERY SURVEY, ABSTRACT NO. 275, CITY OF ROSENBERG, FORT BEND COUNTY, TEXAS; 5 RESERVES AND 1 BLOCK.

Executive Summary: The Final Plat of Greenwood Commercial Subdivision Section Three Replat No. 1 consists of 6.986 acres, and is a partial replat of Reserve "A" of Greenwood Commercial Subdivision Section Three, located at the northwest corner of Reading Road and FM 2218.

Greenwood Commercial Subdivision Section Three was platted in 2003 with the subject property being one (1) commercial reserve (Reserve "A"). The owner/applicant wishes to plat or subdivide the original Reserve "A" into five (5) reserves, providing for access and utilities to each of the proposed reserves. The plat includes some private utilities for which there must be a recorded agreement to ensure future maintenance. A public hearing was previously held on September 16, 2015, pursuant to state law and the City's "Subdivision" Ordinance regarding replats.

Based on the scope of the development, a traffic impact analysis (TIA) was previously submitted for the City Engineer's review. In particular there is a proposed second curb cut off of Reading Road southeast of the existing median opening. The City's review of the TIA determined that a second curb cut would be permitted on Reading Road, provided it is a right-in only with a dedicated right turn lane. Plans for the turn lane must be approved prior to Final Plat approval by City Council.

The Planning Commission approved the Preliminary Plat of Greenwood Commercial Subdivision Section Three Replat No. 1 on September 16, 2015 following the aforementioned public hearing. Seeing no conflicts with applicable regulations, and with the proposed Final Plat being consistent with the approved Preliminary Plat, staff recommends that the Planning Commission recommend approval to City Council of the Final Plat of Greenwood Commercial Subdivision

Key Discussion:

- Mr. Tanner presented the item and reviewed the Executive Summary.

Action Taken: Commissioner Villagomez moved, seconded by Commissioner Davis to recommend approval to City Council of the Final Plat of Greenwood Commercial Subdivision Section Three Replat No., a subdivision of 6.986 acres of land being a partial replat of Reserve "A" of Greenwood Commercial Subdivision Section Three, as recorded in Slide No. 2469A of the Plat Records of Fort Bend County, Texas, being in the James Lowery Survey, Abstract No. 275, City of Rosenberg, Fort Bend County, Texas; 5 reserves and 1 block. The motion carried unanimously by those present.

5. CONSIDERATION OF AND ACTION ON A FINAL PLAT OF JONES MEADOW REPLAT, A SUBDIVISION OF A 0.752 ACRE TRACT BEING A REPLAT OF JONES MEADOW SUBDIVISION RECORDED IN FILM CODE NO. 20050149, F.B.C.M.R. IN THE JAMES LOWERY 1/3 LEAGUE, ABSTRACT NO. 275, CITY OF ROSENBERG, FORT BEND COUNTY; TEXAS; 3 LOTS, 1 BLOCK AND NO RESERVES.

Executive Summary: As discussed in Agenda Item No. 2, the Final Plat of Jones Meadow consists of 0.752 acres located at the northwest corner of Airport Avenue and Jones Street, within the City Limits. The subject property was originally platted as Jones Meadow in 2005 (attached for review). Jones Meadow is a single-family residential subdivision consisting of four (4) lots. The owner wishes to replat the property into three (3) duplex lots.

The proposed plat meets the "Subdivision" Ordinance requirements pursuant to Section 25-114 related to duplex subdivisions. This section of the ordinance essentially requires minimum eight-thousand (8,000) square foot lots, eighty (80) feet in width, as well as building line and other requirements with which the proposed plat complies.

The Planning Commission approved the Preliminary Plat of Jones Meadow Replat on December 16, 2015. Seeing no conflicts with applicable regulations, and with the proposed Final Plat being consistent with the approved Preliminary Plat, staff recommends that the Planning Commission recommend approval to City Council of the Final Plat of Jones Meadow Replat.

Key Discussion:

- Mr. Tanner presented the item and reviewed the Executive Summary.
- Mr. Tanner stated that the developer has submitted infrastructure plans to the City, and is waiting on final approval before beginning construction. A sanitary sewer line must be extended to plat the property as proposed.

Action Taken: Commissioner Villagomez moved, seconded by Commissioner Poldrack, to recommend approval to City Council of the Final Plat of Jones Meadow Replat, a subdivision of a 0.752 acre tract being a replat of Jones Meadow Subdivision recorded in Film Code No. 20050149, F.B.C.M.R. in the James Lowery 1/3 League, Abstract No. 275, City of Rosenberg, Fort Bend County; Texas; 3 lots, 1 block and no reserves. The motion carried unanimously by those present.

6. REVIEW AND DISCUSS A PRESENTATION BY OJALA PARTNERS, LP, REGARDING SUMMER PARK PLANNED MULTI-FAMILY DEVELOPMENT, AND TAKE ACTION AS NECESSARY TO DIRECT STAFF.

Executive Summary: Ojala Partners, LP, has requested the opportunity to be placed on a Planning Commission and City Council agenda to discuss a proposed "tax credit," multi-family residential development in Summer Park (MUD No. 144). Staff is told that the tax credit program requires a resolution of support from City Council.

This being a development-related issue, staff thought it would be appropriate if it first came to the Planning Commission to gain additional input before taking it to City Council. Tract #85 (11.88 acres) in the attached aerial overview map shows the location of the subject property.

It should be noted that Summer Park/Lakes is part of an approved Planned Unit Development (PUD) and multi-family is already an allowed use on the subject property. However, any multi-family developments must meet requirements per the PUD. The PUD requirements are attached for review and have a number of standards related to multi-family (e.g., 21 units per acre, 3 stories, 80% masonry construction).

The purpose of this Agenda item is for the applicant to present the project and gain feedback from the Commission, as they have requested, before going any further (i.e., City Council agenda). A detailed site plan has not been submitted at this time, so staff has not had the opportunity to fully review the project.

Key Discussion:

- Mr. Tanner presented the item and reviewed the Executive Summary.
- Mr. Matthew J. Vrugink, Ojala Partners, LP, gave an informal introduction of the Summer Park Planned Multi-Family Development.
- Mr. Vrugink proposed a multi-family development on approximately 6 acres, including 120 units with 80% masonry construction, similar to that of Summer Park PUD. The multi-family development would include amenities such as a clubhouse, dog park and swimming pool.
- Mr. Vrugink stated that Ojala Partners, LP, received a letter of support for the proposed project from Representative Phil Stevenson.
- Vice Chairperson Phipps inquired about the start date.
- Mr. Vrugink replied that Ojala Partners, LP, anticipates a start date of twelve to fourteen months from today, depending on plan approval.
- Commissioner Poldrack inquired about the apartment mix.
- Mr. Vrugink replied that 50% of the units include two-bedrooms, and the other 50% include one-bedroom and three bedroom units.
- Commissioner Poldrack inquired about the distribution of the \$2-million tax revenue.
- Mr. Vrugink replied that the \$2-million tax revenue included all entities.
- Commissioner Poldrack inquired about enhancing the standards of the development.
- Mr. Vrugink replied Ojala Partners, LP, would follow the current development standards.
- Commissioner Poldrack inquired about income assistance programs and rent adjustments.
- Mr. Vrugink replied that the development does not plan to offer tenant assistance.
- Commissioner Poldrack inquired about the market analysis of apartments in the area.
- Mr. Vrugink stated that a demand for additional housing has increased in Fort Bend County as a result of employment generated by the Brazos Town Center development.
- Commissioner Villagomez inquired about property maintenance of the development.
- Mr. Vrugink replied that Ojala Partners, LP, is privately owned, and that they would take full responsibility for maintaining the property to a specific set of standards.
- Commissioner Poldrack inquired about the tax credit program and expressed concerns regarding the currently relatively high percentage of multi-family and rental housing in Rosenberg, and that this development would add to it.
- Mr. Vrugink commented on the tax credit program.

No action was taken.

7. CONSIDERATION OF AND ACTION ON REQUESTS FOR FUTURE AGENDA ITEMS.

Executive Summary: This item allows the Planning Commission the opportunity to request that items be placed on future agendas.

Key Discussion:

- Mr. Tanner presented the item and reviewed the Executive Summary.
- Mr. Tanner stated that future agenda items would include addressing older properties setback issues and that it is currently being worked on by staff and a consultant.

No action was taken.

8. ANNOUNCEMENTS.

There were no announcements.

9. ADJOURNMENT.

There being no further business, Vice Chairperson Phipps adjourned the Rosenberg Planning Commission meeting at 5:45 p.m.



Janet Eder
Senior Administrative Specialist